

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

----- :
DR. JOHN ROE, :
 :
Plaintiff, :
 : Case No.
vs. : 5:22-cv-00869-JKP-HJB
 :
UNITED STATES, et al., :
 :
Defendants. :
----- :

DEPOSITION OF [REDACTED] PH.D.

DATE: Friday, May 30, 2025
TIME: 10:43 a.m.
LOCATION: Department of Justice
175 N Street, N.E., 7th Floor
Washington, D.C. 20002

REPORTED BY: Erick M. Thacker
Reporter, Notary

Job No. CS7396796

DEFENDANT'S
EXHIBIT

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P R O C E E D I N G S

WHEREUPON,

[REDACTED] PH.D.

called as a witness, and having been first duly sworn, was examined and testified as follows:

EXAMINATION BY COUNSEL FOR DEFENDANTS

BY MS. SEEMAN

Q Good morning, Dr. [REDACTED]

A Good morning, ma'am.

Q It's nice to see you again.

A Likewise.

Q Friendly reminder, my name is Katrina Seeman. I'm a trial attorney at the Department of Justice, and I'll be taking your deposition today --

A Yes, ma'am.

Q -- in your lawsuit against the government defendants.

A Yes, ma'am.

Q Other than the deposition you had in this case a couple weeks ago, have you ever been deposed before?

1 A I don't recall. It could have been a
2 close friend.

3 Q I just want to be clear. You don't
4 remember who you talked to about this lawsuit?

5 A If I happened to talk about it, it
6 might have been a friend of mine by the name of
7 Steven, but that's --

8 Q Does Steven have a last name?

9 A I'm not sure I mentioned this to him.
10 Banks.

11 Q And how do you know Steven?

12 A We've known each other for many years
13 from school, college. But no details.

14 Q You don't remember any details about
15 that --

16 A We didn't --

17 Q -- conversation if it happened?

18 A We didn't discuss details, just --

19 Q Okay. Just --

20 A -- the fact that I was doing something
21 to clear my name.

22 Q Okay. What's your current job?

1 A Deputy Director of National
2 Intelligence.

3 Q And at what agency?

4 A Office of the Director of National
5 Intelligence.

6 Q What's your current pay rate?

7 A I'm a SNIS Level 3.

8 Q All right. Generally --

9 A S-N-I-S, SNIS Level 3.

10 Q Thank you.

11 A Yes, ma'am.

12 Q Generally, what are your job
13 responsibilities?

14 A I oversee a large portfolio for the
15 entire intelligence community. That includes
16 major acquisitions, studies and analysis prior to
17 those acquisitions, policy for the entire IC,
18 awards, JDAs.

19 Q What's a JDA?

20 A A joint duty assignment. That's --
21 that gives somebody the ability to, say, work at
22 NSA for two to three years and then take a short

1 assignment of maybe a year at CIA or FBI. Joint
2 duty assignment.

3 I also oversee the entire science and
4 technology portfolio for the intelligence
5 community. That includes things like AI and
6 cyber and a bunch of other things.

7 Q Where's your office located?

8 A McLean.

9 Q Virginia?

10 A Yes, ma'am.

11 Q And how long have you been in your
12 current role?

13 A Nine weeks.

14 Q Do you -- other than your job at ODNI,
15 do you have any other current income sources?

16 A No, ma'am.

17 Q Are you permitted to have outside
18 employment in your current role?

19 A Define outside employment.

20 Q Employment that is not through ODNI.

21 A I'm allowed to serve on boards, but I'm
22 not allowed to necessarily serve in positions

1 where I make a salary.

2 Q Okay. So you're not permitted to make
3 a salary in any outside --

4 A Correct.

5 Q Okay. Do you serve on boards right
6 now?

7 A I serve on one nonprofit.

8 Q What's that?

9 A Oh, I'm forgetting the name of it.
10 It's -- I forget the name of it. The purpose is
11 to provide funding for military service members
12 in the event of, like, a legal need.

13 Q Are you in your current role permitted
14 to compete for any government contracts?

15 A Am I permitted to compete?

16 Q Yes.

17 A No.

18 Q Why not?

19 A Because I do major acquisitions for the
20 intelligence community.

21 Q And then are you --

22 A It's strictly foreboden. Sorry.

1 Strictly forbidden.

2 Q Are you permitted to work on any
3 subcontracts?

4 A No, ma'am.

5 Q How about consulting for a fee?

6 A No.

7 Q Consulting for free?

8 A Consulting for free. I don't believe
9 that's permitted because it would create a
10 conflict of interest. I haven't asked and I'm
11 not performing any sort of duties like this. I
12 wouldn't even consider it.

13 Q All right. Prior to your position at
14 ODNI, what -- where did you work?

15 A Leidos.

16 Q What was your -- actually, when did you
17 start at Leidos?

18 A September 2020.

19 Q And when did you leave Leidos?

20 A March 2025, nine weeks ago.

21 Q Did you have any gap in employment
22 between --

1 A Zero.

2 Q -- Leidos and ODNI?

3 A Zero.

4 Q Why did you leave Leidos?

5 A I received a political appointment to
6 serve at ODNI.

7 Q And you wanted to take it?

8 A Yes, ma'am.

9 Q What was the title that you held when
10 you first started at Leidos?

11 A When I first started, I was the AI
12 chief or chief AI solutions architect, and when I
13 left, I was the chief AI scientist for the
14 company.

15 Q Did you hold any -- actually, let me
16 rephrase.

17 Are either of those executive-level
18 positions at Leidos?

19 A Yes, ma'am.

20 Q Both?

21 A Not when I entered.

22 Q Not when you entered. Okay. But by

1 the time you left?

2 A Yes, ma'am.

3 Q What was your pay rate when you first
4 started at Leidos?

5 A Pay rate?

6 Q Or your salary.

7 A 271 annual without bonus.

8 Q Okay. Do you know how much your
9 bonuses were?

10 A My first year, I did not get a bonus.
11 No, that's not right. I did receive a small
12 bonus of maybe -- maybe 50,000.

13 Q And that would have been for 2020?

14 A I would have received that in '21. I
15 can't recall exactly.

16 Q And when you left Leidos, what was your
17 salary?

18 A Total compensation was 520,000. Base
19 salary was maybe 302. I don't recall exactly.

20 Q What were your general duties -- let's
21 start with when you first started at Leidos.

22 A When I first started, I worked within

1 the AI accelerator at Leidos. My general duties
2 were to oversee AI developments broadly for
3 research projects that the accelerator was
4 working on.

5 The accelerator served the needs of
6 each of the business sectors of Leidos. Business
7 sectors are defense, intelligence, health, civil
8 and international. Those are the defined sectors
9 of the company, each with like a division
10 president. And each had research and development
11 projects that the AI accelerator assisted in, and
12 I kind of oversaw the architecture of those AI
13 elements.

14 Q Were -- did any of those business
15 sectors include cyber AI?

16 A Yes.

17 Q Can you tell me which ones?

18 A Primarily the defense and intelligence
19 sectors.

20 Q All right. And then by the time you
21 left -- actually, let me back up.

22 Did you have any position between your

1 first position at Leidos and your -- the position
2 you had when you left?

3 A No, ma'am.

4 Q Okay. When you left Leidos, what were
5 your general duties?

6 A I oversaw the science and technology AI
7 portfolio for the entire company.

8 Q Did that include cyber AI?

9 A Among many, yes.

10 Q What sort of difference in
11 responsibilities did you have from your first
12 position to your second?

13 A The impact was broader.

14 Q What do you mean by that?

15 A In the -- in the last position, I was
16 more or less responsible for AI developments
17 across the company, so this included a lot of
18 human language translation, a lot of imagery,
19 particularly as we were doing work with the
20 health sector and civil sector. There was a
21 component with -- with AI and cyber for the DoD
22 and intelligence sector. It was just larger

1 responsibilities. I was involved in more
2 proposals for the company, involved in more
3 presentations.

4 Q Did you participate in any work to
5 obtain contracts?

6 A Proposals, yes.

7 Q Proposals. So the proposals, just to
8 be clear, are for government contracts?

9 A Those are all government contracts,
10 yeah. So that would be a response to -- like for
11 DARPA, it would be a BAA, a broad agency
12 announcement, or an RFI, request for information,
13 or an RFP, which is request for proposal, so
14 you'd often write proposals for each of those.
15 The different government agencies call them
16 different things, but, usually, it's an RFI or an
17 RFP, with the exception of DARPA --

18 Q Is --

19 A -- who calls it a BAA.

20 Q Is it fair to say that at least some of
21 your work in Leidos was in the cyber AI field,
22 then?

1 A Yes, ma'am.

2 Q All right. Do you personally break
3 that down between offensive and defensive cyber?

4 A You can. We didn't.

5 Q Okay. Did that matter to you?

6 A It does a lot.

7 Q Why?

8 A In order to do good defensive work, you
9 really have to attack a system and do good
10 offense. We took a game theory approach where we
11 combined the two in kind of a war against each
12 other. As one algorithm becomes very good at
13 attacking, as long as these are in a tight,
14 closed loop, the other algorithm can learn about
15 those attacks and improve their defenses.

16 So I do not -- I do not look at them as
17 distinct. Most of the industry does, and this is
18 where this emerging field of cyber AI is
19 changing.

20 Q And it's changing to understanding that
21 the best offense -- or the best defense is a good
22 offense?

1 A Yes, ma'am.

2 Q Okay. Did you have any other income
3 sources when you were working at Leidos?

4 A Yes. I did some consulting.

5 Q For who?

6 A A company called StarNav in California.

7 (Reporter clarification.)

8 THE WITNESS: StarNav.

9 MS. SEEMAN: S-T-A-R-N-A-V.

10 THE WITNESS: Yes, ma'am.

11 BY MS. SEEMAN

12 Q Did you have to get permission before
13 working with StarNav?

14 A Yes.

15 Q Why?

16 A Just to make sure there wasn't a
17 conflict of interest.

18 Q Were you permitted to have outside
19 employment during your time at Leidos?

20 A Yes.

21 Q Did you?

22 A Yes.

1 Q What outside employment did you have?

2 A Consulting.

3 Q Other than StarNav, did you do any
4 other consulting work during your time at Leidos?

5 A No. I published a few books.

6 Q Casual.

7 A They didn't generate positive revenue,
8 but there were several that were sold.

9 Q What books did you publish?

10 A I published a book on how to do
11 research, titled How to do Research. The
12 precursor was that was How to do Research
13 Remotely. Keep in mind, this was in the time of
14 COVID.

15 I published another book titled Math
16 Refresher for Data Science Machine Learning and
17 AI and a math handbook for data science machine
18 learning and AI. And then, during that time, I
19 was working on a book that I recently finished in
20 March titled a comprehensive -- I can't remember
21 the title exactly. A Comprehensive Review of
22 Data Science Machine Learning and AI. And I sold

1 the books at the cost of the publishing to make
2 those widely available as possible.

3 Q Were you permitted to have any
4 government contracts during your time at Leidos,
5 you personally?

6 A No, ma'am.

7 Q I'll ask the follow-up even though I
8 know the answer.

9 A Okay.

10 Q So did you have any government
11 contracts during your time at Leidos?

12 A No, ma'am.

13 Q Okay. Other than StarNav, did you work
14 on any other subcontracts?

15 A No.

16 Q And just to be clear, was StarNav --
17 was that -- were you working as a consultant
18 subcontractor?

19 A I was working as a 1099.

20 Q Was the work that StarNav was doing --
21 did they have a contract with the government?

22 A They did. The work that I did for

1 them, just to clarify, was leveraging the
2 algorithms and software that I built, derived and
3 built during my Ph.D. So I was providing,
4 essentially, software updates. I gave the
5 software to them for free because they're a
6 colleague of mine.

7 Q Did the StarNav consulting have
8 anything to do with cyber AI?

9 A It did not.

10 Q Okay.

11 A No conflict of interest.

12 Q Other than -- so you're saying conflict
13 of interest. So do outside consulting -- did it
14 have to be an area that Leidos didn't operate in?

15 A No. It had to be an area that I was
16 not performing duties in my job.

17 Q At Leidos, right?

18 A At Leidos.

19 Q Okay.

20 A So it could not be related to AI. It
21 also couldn't be related to cyber since I was
22 doing some cyber work. The work that I was doing

1 for StarNav was in the title. It was navigation
2 system stuff.

3 Q I was like, stars? Great. Okay.

4 Other than StarNav, did you have any
5 other -- did you do any other outside
6 consulting --

7 A No, ma'am.

8 Q -- during your time at Leidos?

9 A Sorry.

10 Q Go ahead.

11 A No, ma'am.

12 Q Before Leidos, where were you employed?

13 A Before Leidos, I worked for the
14 National Security Agency.

15 Q And when did you leave NSA?

16 A And I also had a JDA at ODNI in the --
17 the year just before I left.

18 Q So your joint duty assignment was at
19 ODNI?

20 A Yes, ma'am.

21 Q Okay.

22 A From 2019 to 2020.

1 Q Let's start with just NSA generally.

2 When did --

3 A Okay.

4 Q -- you start working there?

5 A I started work at NSA in 2015.

6 Q What was your salary or grade when you
7 first started?

8 A So the first time I was there, I was
9 there as an intern during my Ph.D., and my grade
10 might have been a GS-12. I did two summer tours,
11 one at NSA Texas and one at NSA Washington.

12 Q Do you have a preference for offices?

13 A No.

14 Q What was your grade when you left NSA?

15 A GS-14.

16 Q Do you remember what your annual salary
17 would have been then?

18 A I don't. Maybe around 94,000.

19 Q What was your -- I know you mentioned
20 you were an intern when you started.

21 What was your title when you left?

22 A I was the chief data scientist for

1 the -- for the field site in Texas. That would
2 be kind of an unofficial title because our
3 official titles have -- well, I'll just say that
4 they're different.

5 Q Let's talk about your joint duty
6 assignment. You mentioned it was 2019 to 2020.

7 How was that different than your just
8 NSA responsibilities?

9 A So I still continued some of my NSA
10 responsibilities in that role. However, when I
11 was at ODNI, I was brought in as a -- like an AI
12 technical fellow -- that was my title there -- to
13 try to get AI integrated into the entire IC.

14 Q So --

15 A Which is a bit different than what --
16 I'm sorry.

17 Q Oh, no, go ahead. You were going to
18 say --

19 A It's a bit different --

20 Q -- it's different?

21 A -- than my role now where I'm
22 overseeing AI for the entire IC.

1 Q And who is included in the intelligence
2 community?

3 A There are 18 agencies. I'll give you
4 maybe the top five. Okay.

5 Q Great.

6 A CIA, NSA, NRO, NGA and DIA are the
7 largest of the 18.

8 Q Is there any connection between the
9 Department of Defense and ODNI?

10 A Yes.

11 Q How are they related to each other?

12 A Okay. So there's a few ways that the
13 DoD and the IC are related, in that there are
14 several agencies like the ones I just provided
15 you, with the exception of CIA, that have what is
16 called MIP and NIP funding. NIP funding is
17 National Intelligence Program funding. MIP
18 funding is Military Intelligence Program funding.

19 NSA, NRO, NGA and DIA have both
20 military and IC -- or, rather, DoD and IC
21 funding. As a consequence of that, I am
22 overseeing -- in my position overseeing all 18 IC

1 an NSA employee?

2 A It is my understanding, yes, but I
3 don't -- I don't know. I, for one, never had to
4 bid on anything. I was requested by name.

5 Q All right. Do you have any businesses?

6 A Yes, I've had a few businesses.

7 Q What are they?

8 A At the moment, I only have one. It
9 is -- it's a kind of open-ended consulting
10 company.

11 Q What's the name of it?

12 A [REDACTED] LLC. It's an official LLC in
13 Texas.

14 Q How long have you had your consulting
15 company?

16 A So, as [REDACTED] -- well, [REDACTED] LLC as
17 [REDACTED] LLC was founded maybe two years ago, but
18 I did work as, you know, [REDACTED] Consultants, not
19 an LLC, just as a consultant on a 1099 for many
20 years prior to that.

21 Q Other than your consulting company,
22 what other companies do you have?

1 the best techniques and tools for cyber network
2 operations to defend the country at the speed and
3 scale of machines and to subvert our adversaries
4 at the speed and scale of machines. What it
5 comes down to is not more humans, but more GPUs.

6 Q During your employment at NSA as these
7 things were developing, did you present any
8 projects to NSA leadership?

9 A I did.

10 Q And I'll just put the disclaimer here.
11 I am not asking for any classified information
12 today, and so to the extent you think my question
13 might start to impede on that, don't interpret it
14 any other way.

15 A Okay.

16 Q And if you need clarify that as we go
17 through this, please just do so.

18 A Yes, ma'am.

19 Q Okay. So how many cyber AI projects
20 did you present at NSA?

21 A Roughly six.

22 Q Who do you present those to?

1 A I presented to my immediate leadership,
2 which was in one organization, and I was
3 dual-hatted in an operations organization. I
4 also presented to that leadership and several of
5 the operators. Operators are kind of like your
6 Navy Seals that work on keyboards to navigate
7 into other countries and do stuff for this
8 country.

9 Q Were there any projects that NSA was
10 interested in pursuing?

11 A No.

12 Q Okay. For all six?

13 A Correct, for all six. They were very
14 interested, but were worried about risk.

15 Q And what do you mean by that?

16 A New things are always deemed to have
17 risk. This was very new. Any form of
18 automation, nobody had done before, not this type
19 of automation.

20 Q So, once you sort of get the no on
21 these projects, what do you do next with them, if
22 anything?

1 A I did nothing.

2 Q Did anybody at NSA suggest you pursue
3 your projects with outside organizations?

4 A Yes. There was an individual by the
5 name of Todd Jaspers who worked in NSA operations
6 and was dual-hatted with CYBERCOM, specifically
7 Air Force Cyber, and he requested that I present
8 these ideas to Air Force Cyber, because in their
9 mission, they tend to be much more forward
10 leaning and much more tolerant of risk.

11 Q How did Todd Jaspers know that you were
12 working on cyber AI projects?

13 A He was in the same office that I was
14 presenting the information to.

15 Q Was there any supervisory subordinate
16 relationship between the two of you?

17 A No. We were peers.

18 Q Okay. So --

19 A And based on his deposition, he
20 confirmed this.

21 Q For -- once Todd Jaspers brings up, you
22 know, presenting to the Air Force, what do you do

1 next?

2 A Todd Jaspers introduced me to a member
3 of Air Force Life Cycle Management HNCO and
4 arranged a time to present the information.

5 I asked my leadership if it was okay
6 for me to present this to Air Force, and they
7 said yes. Since they were not interested, I was
8 free to do with it what I wanted to provided that
9 it remained in the classified environment.

10 Q Who did Todd Jaspers introduce you to?

11 A Dan Brown.

12 Q I'll get into this a little bit later,
13 but had -- to that point, had you ever heard of
14 Dan Brown?

15 A No, ma'am.

16 Q And you'd never met him before?

17 A No, ma'am.

18 Q Okay. When you -- so do you have a
19 meeting with Dan Brown?

20 A Yes. We had -- I had a meeting with
21 Dan Brown. He introduced me to Dan Brown during
22 one of their weekly meetings. I guess you'd call

1 it like a soft hand offer introduction. There
2 was a follow-up meeting -- I'm sorry. I'll let
3 you ask the questions.

4 Q Okay. So you have a weekly meeting.
5 Todd Jaspers and Dan Brown are there, correct?

6 A This was their meetings, yes, their
7 weekly meeting.

8 Q Okay.

9 A He asked me to --

10 Q Was there --

11 A -- attend at the end to just introduce
12 me.

13 Q Was there anybody else at that first
14 meeting?

15 A There were several people, and I don't
16 know them.

17 Q Okay. Were there people there that you
18 ended up working with --

19 A No, ma'am.

20 Q -- at any point? Okay.

21 And then you mentioned a follow-up
22 meeting, correct?

1 A The follow-up meeting was the first
2 opportunity I had to present the ideas. Dan
3 Brown brought with him David Rivera from
4 Def-Logix and his deputy -- I don't recall his
5 name -- to, essentially, vet the ideas that I was
6 proposing.

7 Q What do you mean by vetting your ideas?

8 A The ideas that I was proposing were
9 very revolutionary. He wanted somebody else in
10 the room that was smart enough to understand the
11 ideas even though they didn't have a background
12 in AI, understand the level of automation and
13 potential of the algorithms and whether or not
14 that's something that the Air Force should
15 pursue.

16 Q Other than Mr. Rivera and his deputy
17 and Dan Brown, was there anybody else at that
18 meeting?

19 A No, ma'am.

20 Q Okay. What happens after that second
21 meeting?

22 A I don't recall the timeline, but,

1 somehow, I guess maybe within a week or two, Dan
2 Brown reached out to me, asked me if I'd consider
3 working as a consultant. At the time, that
4 hadn't even occurred to me, so I had to check
5 with legal.

6 So I reached out to Office of General
7 Counsel, OGC, at NSA. I spoke with an Amy
8 Riviera, I think. Fairly confident on the first
9 name. Last name, I might be mixing up the
10 letters.

11 She gave me a lot of legal advice. It
12 basically came down to, as long as it didn't
13 conflict with my work -- and you have some of the
14 e-mails that she followed up with. I provided
15 that content to leadership. She said my
16 leadership had to approve. My leadership did
17 approve.

18 We worked flexible work hours at NSA,
19 so it allowed me to do some of that work, say,
20 during lunch or a break. If I had to go over to
21 Air Force, I would just take a long lunch and
22 make sure I put in my 40 hours at NSA and then --

1 you know, at some point during the week, so I
2 didn't have to be there necessarily nine to five,
3 and often I would stay late at NSA to complete my
4 hours. And then, of course, nights and weekends,
5 I would work.

6 My leadership approved. I went back.
7 I had several phone conversations with Amy. I
8 tried to ensure we also had an e-mail tracking of
9 those conversations so I had evidence of what I
10 was doing, that it was above board. In case
11 anybody in the future disputed it, I wanted to
12 make sure I had that in e-mails.

13 And at some point, Dan arranged -- I
14 would call it a line of funding. I didn't work
15 for Dan directly. He arranged for me to be
16 brought on a contract that GITI had. So the
17 funding somehow went from Air Force Life Cycle
18 Management HNCO through AFRL, Air Force Research
19 Laboratory, to a contract that GITI was on, which
20 I believe was the ACT 2, A-C-T 2, contract.

21 I was brought on to that as a
22 consultant on a 1099, and the money was kind of

1 routed through there so I could help -- excuse
2 me -- so that I could help advise the Air Force
3 on these cyber AI projects. I know it sounds
4 convoluted. It was.

5 Q We're going to break it all down.
6 Don't worry.

7 So let's sort of back up. So is it
8 fair to say that Dan Brown was your Air Force
9 point of contact?

10 A Yes, ma'am.

11 Q Was there anybody else at the Air Force
12 that you regularly communicated with?

13 A No, ma'am.

14 Q And did you regularly communicate with
15 Dan Brown?

16 A Yes, ma'am.

17 Q What e-mail address did you use to
18 communicate with Dan Brown?

19 A It varied. For unclassified
20 communication, I used an unclassified e-mail
21 address. For classified communication, though
22 infrequent, I was allowed to use my NSA address.

1 associated with?

2 A AeroAnalysis. Or, no. I had
3 started -- based on my Ph.D. research, I had
4 started -- or created a website -- I think I
5 created a website. I don't even know. I don't
6 recall. But the AidedNav term was based on my
7 research, my Ph.D. research.

8 Again, the work I did for GITI, I did
9 on a 1099 as [REDACTED] not as AidedNav,
10 though there are references for AidedNav.

11 Q Did you use the AidedNav Gmail to
12 communicate with GITI?

13 A I did. So, for example, my weekly
14 reports were communicated to the program manager,
15 Ted Oakley, through that Gmail account.

16 Q Okay. So, as you're advancing --
17 actually, I just want to make sure I understand
18 this.

19 So you present the Fibonacci projects
20 to Dan Brown and the Air Force HNCO staff,
21 correct?

22 A Just to Dan Brown.

1 Q Just to Dan Brown. Okay.

2 A Later it was presented to his
3 leadership.

4 Q Okay. Were you in that presentation to
5 the leadership?

6 A I was in one of those presentations. I
7 believe he had presented it to his leadership
8 maybe once or twice before he brought me in as a
9 subject matter expert to present.

10 Q Okay. How many, to your knowledge,
11 presentations were there to the leadership about
12 the Fibonacci projects before you were brought on
13 as a consultant?

14 A It would only be one.

15 Q Okay. And for the one that you
16 participated in, how did you identify yourself at
17 that meeting?

18 A As [REDACTED]

19 Q Did you identify yourself as an NSA
20 employee?

21 A I identified myself as [REDACTED]
22 someone who also worked at NSA.

1 Q And for the meeting you were at, do you
2 remember anybody other than Dan Brown that was
3 there?

4 A I don't recall. At least for that
5 meeting, I don't recall.

6 Q You mentioned leadership. Do you know
7 like what level or position?

8 A It could have been -- though I don't
9 recall, it could have been his local leadership
10 in that HNCO office in Texas. It probably also
11 included his leadership in Washington, D.C.,
12 which would have included Danny Burghard and
13 Allen Rabayda. But, again, at that meeting, I
14 don't recall.

15 Q Okay.

16 A I do recall the last meeting we had.

17 Q When you -- earlier you mentioned you
18 had a flexible work schedule at NSA.

19 When you were presenting to the Air
20 Force, were you on the clock at NSA?

21 A No, ma'am.

22 Q And were -- these presentations of the

1 Fibonacci projects, were those your first
2 interactions with the Air Force as an NSA
3 employee?

4 A Yes, ma'am.

5 Q Okay. Other than the initial meetings
6 we discussed and the presentations we discussed,
7 were there any other meetings that you were
8 involved in before you became a consultant with
9 GITI?

10 A No, ma'am.

11 Q Okay. When you presented at the -- did
12 you talk at the presentation with Air Force
13 leadership?

14 A Yes. I was presenting.

15 Q Okay. In an unclassified manner --

16 A Okay.

17 Q -- what were you presenting?

18 A I presented several ideas that then
19 became or maybe at that point were already titled
20 part of this Fibonacci series. I think at that
21 point I presented maybe three or four projects.

22 To clarify, when I presented these

1 having like personal representation of demos to
2 Air Force leaders or officials, senior leaders,
3 talks of budget. These are more substantive.

4 But behind the scenes -- this is where
5 I needed clarification was -- behind the scenes
6 is more -- if you have to talk about the
7 mathematics about something, then I could brief
8 on the mathematics and how that -- how that is
9 used within the car example, used within the
10 navigation system, but not be there for, you
11 know, driving the car.

12 Q And just to be clear, in a situation
13 where you are with Air Force employees --
14 actually, let me -- we'll come back to that
15 later.

16 And there's this long e-mail that
17 starts at the bottom of 18, and earlier I
18 mentioned it should -- the numbers at the bottom
19 should actually go 18, 20, 19 for the full
20 e-mail. Are you able to tell me where in this --
21 actually, let me back up.

22 Did NSA OGC ever issue a formal

1 approval for your outside employment?

2 A No. That was not something that Amy
3 was authorized to do. And we talked about that
4 on the phone. I think she followed up on that in
5 an e-mail somewhere, but I don't recall.

6 Q On Bates 20, there's a bold and
7 underlined sentence from Amy's e-mail, and it
8 says, "If this outside arrangement requires you
9 to work in a government facility, please review
10 the below guidance."

11 Did -- did you know whether or not your
12 consulting work would require you to work in a
13 government facility?

14 A Again, this comes down to some nuance
15 that she and I had to talk about over the phone.
16 The work that I was doing was -- the work was
17 unclassified, development of the mathematics,
18 overseeing the contractors, also done in an
19 unclassified space, not done in a government
20 facility. The only time I was in a government
21 facility was for a presentation, but there was no
22 work performed in the sense of like doing

1 software development --

2 Q Okay.

3 A -- or mathematics development in a
4 government facility.

5 So, based on my understanding of the
6 conversation that she and I had, that was -- that
7 was an acceptable understanding.

8 Q Okay. And then I want to turn your
9 attention to Bates 19 at the middle of the page,
10 where it starts with "Bottom line."

11 A I'm sorry. Where?

12 Q Where it starts with "Bottom line."

13 A Oh, yes. Uh-huh.

14 Q So this says, "As stated earlier, it is
15 almost impossible for federal personnel to work
16 for a contractor in the federal workplace. In
17 theory, they could perform roles that do not
18 involve communications or that involve only
19 ministerial communications. However, if the
20 quality, quantity, or timeliness of their work is
21 challenged, they may not participate in such
22 discussions."

1 you recall, correct?

2 A Yes, ma'am.

3 Q When you say that you recall, do you
4 mean you might have had other interactions with
5 him before then; you just don't remember?

6 A It's possible. I just don't remember.

7 Q Okay.

8 A Correct.

9 Q Sometimes people use don't recall in
10 different ways, so I just wanted to clarify what
11 you meant.

12 In your -- you said you reviewed your
13 second amended complaint before coming here?

14 A Yes, ma'am.

15 MS. SEEMAN: Okay. I guess I can hand
16 you a copy. It's not a quiz, I promise.

17 So we'll mark the second amended
18 complaint as Exhibit 8. A copy to counsel.

19 (Deposition Exhibit Number 8 was
20 marked for identification.)

21 BY MS. SEEMAN

22 Q So I want to direct your attention

1 to -- let me get my copy -- I believe paragraph
2 78.

3 A Yes.

4 Q Okay. A couple things. Why do you
5 refer to this other project, which we'll call
6 Project B -- why do you refer to that as Captain
7 McVeigh's project?

8 A Because it was his project.

9 Q How do you know?

10 A Dan Brown told me about those projects
11 a few times.

12 Q All right. In paragraph 78, you say,
13 in February 2020, at a classified briefing, you
14 were asked by Dan Brown and Mr. Burghard to
15 express your expert opinion on the continued
16 viability of Captain McVeigh's Project B, et
17 cetera, et cetera, et cetera.

18 Do you -- do you recall what this
19 paragraph is talking about?

20 A Yes, I do.

21 Q What can you tell me about it?

22 A So, in this case, Dan Brown was asking

1 on behalf of Danny Burghard to get my subject
2 matter expertise opinion on the viability of
3 this -- this program that -- that Captain McVeigh
4 was overseeing as program manager. I was given
5 insight into the targets, meaning, you know,
6 China or Taiwan or -- sorry -- China, Iran, et
7 cetera, adversaries, the technology that was
8 used, et cetera.

9 I asked a number of questions. For
10 example, did they have -- when was their last
11 deliverable? Apparently, the program had been
12 going on for maybe ten years. They hadn't
13 delivered any deliverables in several years.

14 The technology that they were using was
15 outdated, meaning that they were developing
16 software for, say, Windows 2000 instead of
17 Windows 8 or 10.

18 And there was -- there was no
19 automation. He asked for things like would I --
20 he asked for expert advice, and it was my -- my
21 assessment that based on the program being over
22 budget, not delivering, and using old technology,

1 outdated technology that was essentially overcome
2 by events, it wasn't necessary in the field
3 anymore, that it's something that shouldn't
4 continue.

5 Q I want to break that down just a little
6 bit.

7 So did you ever have a conversation
8 with Mr. Burghard about this assessment?

9 A No.

10 Q Okay. Did you only communicate with
11 Dan Brown for information?

12 A Yes.

13 Q Okay. And you said they a lot. Who is
14 they that you're referring to?

15 A They meaning the performers on Project
16 B.

17 Q Would that be the Air Force?

18 A The performers are typically a
19 contractor.

20 Q Okay.

21 A It could also -- it could also be the
22 Air Force, but I -- I was not privy to that

1 division-level office at -- in Washington.

2 Q Have you had any interactions with
3 Mr. Rabayda?

4 A I had maybe two.

5 Q When were they?

6 A They would have been during these --
7 these meetings.

8 Q And when you say these meetings --

9 A Sorry.

10 Q We talked about a lot of meetings
11 today, so --

12 A Sure. I don't recall whether or not he
13 was at the February meeting. I'm fairly certain,
14 though not absolutely certain, he was at the
15 August meeting.

16 Q The August 2020 meeting?

17 A Yes, ma'am.

18 Q Did you have any communication with him
19 on either of those occasions?

20 A We might have exchanged pleasantries.

21 Q Did you identify yourself as a private
22 contractor or a private consultant?

1 A I did not identify myself other than --
2 as anything other than Dr. [REDACTED] or [REDACTED]

3 [REDACTED]

4 Q And have you had any contact with
5 Mr. Rabayda since leaving your consulting role?

6 A No, ma'am.

7 Q Okay. You can put that to the side for
8 now. So let's go back to August 2020.

9 A Yes, ma'am.

10 Q Were you aware that, generally, until
11 this time, several Air Force employees were not
12 aware that you were a private consultant?

13 A No, ma'am.

14 Q Did you ever become aware of that?

15 A Only after the fact.

16 Q And when was that?

17 A Sometime between August 14th, 2020 and
18 today, or the filing of this document, the second
19 amendment -- amended complaint.

20 Q Okay.

21 A Sorry. Correct that. I was not aware
22 until we received discovery and I was reading

1 e-mails.

2 Q Okay. So in this lawsuit is how you --

3 A Yes, ma'am.

4 Q -- became aware? Okay.

5 Is that concerning to you that most --
6 a good amount of Air Force employees did not know
7 how you were interact -- in what capacity you
8 were interacting with them in?

9 A I think, in hindsight, that is
10 concerning. That was really the duty of Dan
11 Brown to message that correctly. Again, I was
12 brought in as a subject matter expert to talk
13 about certain topics. Again, that is something
14 that Dan Brown should have done.

15 I think it would be odd for you to walk
16 into a room and say, hi, I'm Bob, I'm the
17 director of such and such, when everybody knows
18 that you are there to present on some topic. You
19 just introduce yourself as, hi, I'm Bob.

20 Q Is it your testimony you never
21 introduced yourself by any organizational
22 affiliation to HNCO employees?

1 A I did not introduce myself as any sort
2 of affiliation.

3 Q And when I -- I guess let me clarify my
4 question.

5 A Yes, ma'am.

6 Q When I say affiliation, I mean, did you
7 ever identify yourself as either a consultant, a
8 GITI consultant, or an NSA employee to any HNCO
9 employee?

10 A No.

11 Q Okay.

12 A Not to my recollection. There were
13 times when Dan Brown wanted to use my -- loosely
14 use my affiliation with NSA, because NSA has, I
15 guess you could say, some gravitas, some impact,
16 that, you know, this is -- this information is
17 coming from an NSA-trained mathematician or an
18 NSA-trained exploit developer or something like
19 this.

20 Q Did you have any concerns about him
21 using your NSA affiliation to throw -- throw some
22 weight around at HNCO?

1 A Yes. Because of the -- the definitions
2 and conversations I had with Amy, it was my
3 request to make sure that I was not introduced as
4 that person or representing that agency, because
5 I was not introduced -- I was not that person or
6 not representing that agency.

7 But that is no different than me being
8 introduced anywhere as, you know, Dr. [REDACTED]
9 versus [REDACTED] If somebody wants to use my
10 education as some form of way to convey subject
11 matter expertise or intelligence or stuff like
12 that, that is often what's used instead of just
13 calling me [REDACTED]

14 Q I'm just using it out of respect,
15 but --

16 A Thank you.

17 Q So, you know, you said you requested
18 not to be introduced as an NSA employee.

19 Did I hear that correctly?

20 A Yes, ma'am.

21 Q When did you make that request?

22 A On several occasions.

1 Q And who did you make that request to?

2 A Dan Brown.

3 Q Did he introduce you in meetings as an
4 NSA employee?

5 A I don't recall.

6 Q Okay.

7 A I think he often introduced me, as I
8 recall, as Dr. [REDACTED] I'm fairly sensitive to
9 this because, in certain circles, especially for
10 leaders or program managers, it's kind of
11 bragging rights to say that you have some math
12 Ph.D. that works for you. I've heard this kind
13 of off the cuff in conversations in halls and
14 that sort of thing.

15 Some people may be very proud of that.
16 I find that to be challenging because they're
17 proud of the title and not necessarily -- not
18 necessarily the accomplishments.

19 Q In August of 2020, did you have any
20 communications with anybody about a potential
21 conflict of interest between your role as an NSA
22 employee and your consulting work?

1 then, had you told anybody at the Air Force that
2 you were planning on leaving your NSA employee --
3 employment?

4 A No, ma'am.

5 Q Okay. In August of 2020, did you have
6 other career opportunities arise?

7 A In August of 2020?

8 Q Yes.

9 A Yes. I got a phone call from Leidos.

10 Q And about when was that phone call?

11 A As it happens, within a week of one of
12 these -- these conversations with this readout.

13 Q All right. So you're at the readout --

14 A Yes, ma'am.

15 Q -- at Lackland. Are you seated? What
16 room are you in?

17 Let me start there. What room are you
18 in at Lackland?

19 A I was brought in to a SCIF.

20 Q Okay. Was it just you and Agent Beall?

21 A Yes, ma'am.

22 Q All right. About how long was the

1 Q Okay.

2 A Not prior to this.

3 Q At this point, so you are going to
4 resign -- let me back up.

5 What do you mean by that? When did you
6 seek other employment?

7 MR. HENRY: Objection to form.

8 THE WITNESS: I didn't seek other
9 employment. It sought me.

10 BY MS. SEEMAN

11 Q Okay. When did it seek you?

12 A Sometime after August 13th.

13 Q And both --

14 A So the presentation was August 13th.
15 So, within a few days, I received a phone call
16 out of the blue. I was not seeking employment.

17 Within a few days, I was also told that
18 this program was going to be canceled -- Dan
19 Brown told me that -- and that I was going to be
20 terminated, and it was going to be within a few
21 days that I'd have to be read out. So, within
22 the span of a week, I had this information. The

1 program was going to be canceled or was canceled.

2 I was going to be terminated.

3 I had already spent several years
4 working at NSA. I got a phone call on a Monday,
5 did two interviews throughout the week. I had an
6 offer on a Friday for a job at Leidos making
7 three times more than I was making at NSA. It
8 was an easy decision.

9 Q When you say the projects were going to
10 be canceled, all six of them?

11 A I don't think there were six at that
12 point.

13 Q Okay.

14 A I think there might have been three.

15 Q Are you aware of whether or not any of
16 the projects were put into actual use?

17 A No.

18 Q You're not aware?

19 A No, they were canceled. I think
20 they -- there was some parts of the program, as I
21 was told by Dan Brown, that maybe because they
22 were on contract with Kudu or Def-Logix, they

1 continued for a short period of time, but they
2 were all ultimately canceled as far as I know.

3 Q Okay. And your only source for that
4 information is Dan Brown, correct?

5 A Yes, ma'am.

6 Q Okay. Did you ever request to meet
7 with anybody to discuss what happened at your OSI
8 debrief?

9 A Yeah. I requested to meet with Dan
10 Brown. He was told that he could not -- at some
11 point, he was told that I was being investigated
12 and he could not talk with me.

13 Q Did he tell you who he had spoken
14 with --

15 A No.

16 Q -- about you?

17 A No.

18 Q Is it fair to say you don't know if
19 that person was local to HNCO or a different
20 office?

21 A I don't know.

22 Q Okay. What, if anything, do you know

1 about HNCO's security inquiry?

2 At the time -- at the time, what did
3 you know about it? Let me --

4 A Okay.

5 Q -- start there.

6 A At the time, I had no information other
7 than Dan Brown saying I was -- I was being
8 investigated, and during the investigation, he
9 couldn't talk with me. He did on a couple of
10 occasions talk to Todd Jaspers, and Todd Jaspers
11 talked to me.

12 Q Okay. Is it fair to say that only
13 through discovery you know about HNCO's security
14 inquiry?

15 A Yes, ma'am.

16 Q Okay. As far as you are aware, no Air
17 Force inquiry determined you've committed any
18 misconduct, correct?

19 A Correct.

20 Q Okay.

21 A They, in fact, cleared me of
22 misconduct.

1 (Recess 4:16 p.m. to 4:29 p.m.)

2 BY MS. SEEMAN

3 Q So, Dr. [REDACTED] earlier you testified
4 that McVeigh was spreading information about you
5 around the office. Do you remember that?

6 A Yes, ma'am.

7 Q What office were you referring to?

8 A HNCO.

9 Q Are you aware of whether Captain
10 McVeigh spread your information outside of HNCO?

11 A No, ma'am.

12 Q Okay. Am I correct that Captain
13 McVeigh's spreading of information about you is
14 the factual basis for one of your Privacy Act
15 claims?

16 A Yes, ma'am.

17 Q To your knowledge, did anyone else
18 spread information about you around HNCO?

19 A No, ma'am.

20 Q To your knowledge, what information did
21 McVeigh spread that you believe was in violation
22 of the Privacy Act?

1 A To my knowledge, the information that
2 he had, based on what Dan Brown told me, because
3 he had copies of the e-mails from Amy with the
4 NSA Office of General Counsel and other
5 privileged information that he had no business
6 having access to.

7 Q Okay. And when you say other
8 privileged information, what are you referring
9 to?

10 A Like a read-in or readout of -- a
11 read-in for programs that include personal
12 information or personal identifiable information,
13 PII, like a birth date, social security number,
14 address, things like this.

15 Q Are the documents you're referring to
16 the materials that were attached to the OSI Form
17 40 in Exhibit 7?

18 A Yes. Among others, yes.

19 Q Okay. What others that are not
20 attached?

21 A I don't know. This is information I
22 received from Dan Brown.

1 Q Okay. I'll give you a chance to look
2 at that. So you don't -- other than the
3 attachments on Exhibit 7, the OSI Form 40, are
4 you aware of any other documents that --

5 A I --

6 Q Actually, let me -- let me back up.
7 When you're saying McVeigh's spreading
8 information about you around the office, are you
9 referring to just word of mouth information, or
10 are you referring to documents?

11 A Documents.

12 Q Okay. And your basis for that is Dan
13 Brown?

14 A Yes, ma'am.

15 Q Okay. For your Privacy Act claim that
16 relates to OSI and Captain McVeigh, am I correct
17 in understanding that the basis for that claim is
18 the OSI agent providing information to Captain
19 McVeigh?

20 A Yes, ma'am.

21 Q Okay. Is there anything else
22 factually -- I'm not asking for, like, a legal

1 conclusion, don't worry -- that you think
2 supports that Agent Beall sharing information
3 with Captain McVeigh is a violation of the
4 Privacy Act?

5 A It's my understanding that Captain
6 McVeigh showed documents to Dan Brown that I had
7 only shared with the Air Force OSI agent.

8 If the Air Force OSI agent is
9 conducting an investigation, he should not be
10 sharing sensitive information with other people
11 in that office, specifically attorney-client
12 privileged information.

13 Q And to be clear for the record, you're
14 referring to the NSA OGC e-mail correspondence,
15 correct?

16 A Correct.

17 Q Is there any other document you believe
18 was shared with Dan Brown about your -- your
19 debrief or an HNCO security inquiry or any other
20 situation?

21 A That's the only one that I remember.

22 Q Okay.

1 A I recall Dan Brown saying that there
2 were several other documents. I don't know what
3 they are.

4 Q Okay.

5 A But that one stuck out because the only
6 way McVeigh could have had access to those
7 documents is if Air Force OSI shared those
8 documents with McVeigh.

9 Q Okay.

10 A It wasn't until later, so after -- that
11 is to say, after that phone call with Dan, Dan
12 Brown, that Dan asked me for a copy of those
13 documents because he wanted to compare them. I
14 then sent an e-mail to Dan Brown with those
15 documents.

16 Q Okay. And, I guess, just for the
17 record -- I don't know if I actually asked this
18 earlier -- Dan Brown, Captain McVeigh, Danny
19 Burghard, Colonel Ekholm, they're all Air Force
20 employees, correct?

21 A Yes, ma'am.

22 Q Okay. So --

1 A As far as I know.

2 Q Okay. At the time. Good clarifier.
3 At the time, were those four individuals Air
4 Force employees?

5 A Say again.

6 Q Captain McVeigh --

7 A Yes, ma'am.

8 Q -- Dan Brown, Danny Burghard, Colonel
9 Ekholm.

10 A Yes, ma'am.

11 Q Okay. So, earlier, you mentioned a
12 phone call with Dan Brown about Fibonacci being
13 canceled, and you also mentioned your contract
14 with GITI being canceled.

15 Do you remember that?

16 A Yes, ma'am.

17 Q Okay. Did you get a stop work order
18 before you were aware that your contract was
19 canceled?

20 A I got a stop work order at the same
21 time that I was informed that my contract was
22 canceled.

1 him was via e-mail.

2 Q Okay. Did you talk about this lawsuit
3 with him?

4 A We did talk about this early on. He
5 actually encouraged me to file a lawsuit.

6 Q And did he say why?

7 A Yes, because this Captain McVeigh had
8 so thoroughly destroyed my reputation and made
9 false accusations that if I was ever to take a
10 political appointment, like Deputy Director of
11 National Intelligence, that it would be good to
12 clear my name or at least follow through with a
13 lawsuit, yes, to clear my name.

14 Q Did you have any difficulties obtaining
15 your current political appointment?

16 A No, ma'am.

17 Q Do you like working with Todd -- did
18 you like working with Todd Jaspers at Leidos?

19 A He's a good engineer.

20 Q Okay. Would you work with him again?

21 A Yes. He's a good engineer.

22 Q Do you have the capacity to -- again,

1 been debarred, meaning contractor, subcontractor,
2 consultant?

3 A I've been debarred as anything
4 pertaining to my name, Dr. [REDACTED] whether
5 it's contractor Dr. [REDACTED] consultant
6 Dr. [REDACTED] or otherwise.

7 Q What date do you believe you were
8 constructively debarred?

9 A August 14th, 2020.

10 Q And why that date?

11 A That's when all of this blew up.

12 Q Okay. In your second amended
13 complaint, you say you continually sought to be
14 restored to HNC0.

15 A Yes, ma'am.

16 Q How did you seek to be restored to
17 HNC0?

18 A I asked Dan Brown a few times if -- if
19 I could present our new research at Leidos -- at
20 that time, I was at Leidos -- because the
21 capabilities we were developing would be very
22 interesting to his mission. In their mission,

1 they serve -- just a little bit of background,
2 they serve, like, the special forces community,
3 so like Seal Team 6, those kinds of people, and
4 they needed certain capabilities. And we were
5 developing tools that would work kind of at the
6 front end of cyber offense and defense. He said
7 he couldn't talk to me about that.

8 Eventually, he reached out to Todd
9 Jaspers, eventually meaning a few months later,
10 saying that he had some money available, like
11 end-of-year money, and was interested in us
12 proposing projects, because he knew that I was
13 still involved and always appreciated the work
14 that I had done -- he's very complimentary -- but
15 again reminded him and reminded me that I could
16 not be present and it could not bear my name.

17 Q Okay.

18 A So I have been de facto debarred.

19 Q Did you ever try to talk to anybody in
20 HNCO's contracting office about this issue?

21 A I asked if I could present my case to
22 somebody else at HNCO, and Dan at one point

1 advised me, don't even bother.

2 Q And you took that advice?

3 A Yes, ma'am.

4 Q Okay. And so it's fair to say you've
5 never contracted -- never contacted a contracting
6 official?

7 A Correct, ma'am.

8 Q Okay. Other than Dan Brown, did you
9 ever talk to anybody at HNCO about being
10 constructively debarred?

11 A No, ma'am.

12 Q In your complaint, it says you sought
13 to be restored.

14 Did you seek to be restored as a
15 private consultant?

16 A I sought to be restored in that I just
17 wanted to clear my name. Whether or not I was
18 able to be a consultant didn't really matter.
19 Reputation in my -- my line of work is -- is very
20 important, and to have somebody continue to
21 perpetuate falsehoods will continue to damage my
22 reputation.

1 So, even though, for example, this has
2 happened five years ago, there's still people
3 that hear my name and still think that I am some
4 sort of fraud or crackpot, even though I have
5 many people from the scientific community that
6 have read my papers and my patents and my books
7 and applauded me for my work, including the U.S.
8 government, where they also have seen the
9 capabilities of the stuff that I've invented and
10 have asked for access to it.

11 Q Okay. Just to follow up, you said
12 people. What people?

13 A So there are certain individuals in the
14 Air Force and certain individuals that they
15 communicated with at NSA that still believe these
16 falsehoods about me.

17 Q Okay. And who are those people?

18 A I can't remember names specifically.

19 Q Okay. And how do you -- how do you
20 know that they know anything about any of this?

21 A Through communication by -- or from
22 Todd and Dan Brown. There is a recent example in

1 2023, during a presentation where I was
2 presenting. Todd was in the audience, and he was
3 sitting next to several folks from NSA who were
4 at that time unrelated to all of this. And they
5 were making derogatory remarks about my
6 presentation and who I was because of what they
7 had heard at NSA Texas through other people. So,
8 again, not only de facto debarment, but a
9 destruction of reputation that continues to
10 evolve over time.

11 Q You said derogatory remarks. Well,
12 actually, let me back up.

13 Do you know who any of these NSA people
14 were?

15 A Yes. I mean, I don't know them
16 personally. One of them oversees aspects of
17 operations. Another one oversees aspects of
18 what's called capabilities directorate. I can't
19 remember the names right now.

20 Q And did you hear any of these
21 statements yourself?

22 A No, but this was corroborated by other

1 colleagues of mine that were at the table.

2 Q Who?

3 A One of them was a subordinate that
4 worked for me at Leidos. Another one was a
5 friend.

6 Q Okay. Names?

7 A The individual at Leidos? I can't
8 remember which team member. I had several team
9 members. I can't remember which team member
10 specifically.

11 Q And then the friend?

12 A Same. It was another just kind of work
13 colleague.

14 Q Okay. So you don't remember either
15 person?

16 A It was not a subordinate.

17 Q Okay.

18 A They were obviously very upset by this
19 and opposed the comment, because they worked for
20 me and they saw my work.

21 Q Did they tell you whether or not they
22 said anything to your former colleagues?

1 A They both said they said something.

2 Q Okay. And did they tell you what
3 response they got?

4 A I don't recall. Again, this
5 demonstrates lasting damage by one Captain
6 McVeigh, one person, with false allegations.

7 Q Is that your -- what's your basis for
8 that statement?

9 A Can you ask the question again?

10 Q Yeah. What is the basis for your
11 statement -- what I just -- your statement that
12 your reputation has been ruined?

13 A Or continues to be ruined?

14 Q Yes.

15 A Examples like this keep -- keep popping
16 up, where people that I don't know, have never
17 interacted with, somehow have heard through
18 someone else or this originated from Captain
19 McVeigh that I had -- or that I was some sort of
20 a crackpot or had unrealistic expectations or
21 capabilities or, you know, a number of things,
22 that I didn't know what I was talking about or

1 couldn't prove the results or whatever.

2 Q You keep using the phrase or the term
3 "crackpot."

4 A Yes.

5 Q Where did that come from? Not -- I'm
6 not asking for the origin of the linguistic term,
7 just to be clear. I'm asking, who -- who told
8 you that people were calling you a crackpot and
9 who was calling you a crackpot?

10 A Dan Brown said that Captain McVeigh
11 called me this several times.

12 Q Okay. Did anybody else other than Dan
13 Brown tell you?

14 A I have never heard this from anyone
15 else.

16 Q Okay. Has anybody told you that your
17 reputation is, in fact, ruined?

18 A That is difficult to answer, in that my
19 reputation in certain communities at this point
20 is ruined. I would not be able to -- without
21 some sort of restorative memo or something like
22 this from the U.S. government to HNCO, for

1 example, would not have that reputation restored.
2 So, certainly, my reputation within HNCO is
3 ruined.

4 My reputation with certain individuals
5 at NSA is ruined as a result of this -- this
6 event with HNCO.

7 Outside of that community, I interact
8 with many communities in many disciplines. I
9 have, in fact, a very good reputation. I would
10 not be in the position I'm in now if I didn't
11 have a good reputation in many other communities.

12 Q So I'm just going to drill down a
13 little bit more, so -- but has anybody told you
14 that your reputation is ruined?

15 A Dan Brown told me this, yes.

16 Q Okay. Anybody other than Dan Brown?

17 A Todd Jaspers told me the same.

18 Q And Todd Jaspers knows because Dan
19 Brown told him?

20 A Well, Todd Jaspers also worked with the
21 HNCO office as an NSA employee.

22 Q You read his transcript, though, yeah?

1 A Yes, ma'am.

2 Q Did he say that he had any personal
3 interaction with Captain McVeigh?

4 A I don't recall.

5 Q Okay. Other than those two
6 individuals --

7 A Yes, ma'am.

8 Q -- has anybody ever told you that your
9 reputation is ruined because of the events that
10 happened at HNCO?

11 A No, ma'am.

12 Q Okay. Has anybody told you that they
13 did not want to work with you because of the
14 events that happened at HNCO?

15 A Told me face to face that they did not
16 want to work with me?

17 Q Let's start with that.

18 A No.

19 Q Okay. Face to face implies there's a
20 behind your back, so I'm going to ask: Has
21 anybody said that they would not work with you to
22 somebody else, and you found out about it?

1 A Yes. I've heard that through Dan Brown
2 and Todd Jaspers, but that has not prevented many
3 other people seeking to work with me because of
4 my --

5 Q Okay.

6 A -- otherwise good reputation in many
7 other areas.

8 Q Okay.

9 A When I say seeking, these people are
10 willing to leave their current jobs to go join me
11 in another job, because I treat people well. I
12 elevate their ability professionally. In many of
13 these people's lives, I've been able to grow them
14 as individuals and as professionals and teach
15 them things that they didn't know were possible,
16 and so they've trusted me with their livelihoods
17 to move from one organization to another because
18 they wanted to work with me.

19 Q And --

20 A It's only this unique circumstance
21 where there are people within HNCO or within Air
22 Force Cyber, specifically the cyber AI community,

1 that don't want to work with me.

2 Q So who specifically at HNCO do you
3 think does not want to work with you?

4 A I don't know.

5 Q Okay. Has anyone -- actually, I want
6 to ask this first: You, at Leidos -- not to, you
7 know, gas you up, but you basically created an
8 entire cyber AI portfolio for them, correct?

9 A Yes, ma'am.

10 Q And you developed that entire -- you
11 were the leader of that, correct?

12 A Yes, ma'am.

13 Q Is it fair to call you an industry
14 leader in cyber AI?

15 A Yes, ma'am.

16 Q Okay. Has anyone told you that they
17 couldn't work on a project because of the HNCO
18 security inquiry?

19 A Can you refine that?

20 Q What part don't you understand?

21 A Has anybody told me that they couldn't
22 work on a project because of the HNCO --

1 Q Yes.

2 A -- security investigation?

3 Q Yeah.

4 MR. GONZALEZ: With you.

5 MS. SEEMAN: Other --

6 MR. HENRY: With you.

7 BY MS. SEEMAN

8 Q With you.

9 A I have not had anybody tell me that
10 they could not work with me because of the
11 investigation.

12 Q Okay. And --

13 A Aside from Dan Brown.

14 Q Naturally. To your knowledge, did the
15 HNCO security inquiry cause anyone to view you
16 negatively?

17 A Yes. I mean, there's several people in
18 that office as well as several people that were
19 affiliated with that office at NSA.

20 Q Okay.

21 A Strictly because there was an
22 investigation, there's -- oddly enough, as soon

1 as an investigation is launched, there's this
2 assumption of fault instead of assumption of
3 innocence.

4 Q In this inquiry, though, you weren't
5 found to have done anything wrong, though,
6 correct?

7 A That's correct.

8 Q Okay.

9 A Part of the request that I have as part
10 of this lawsuit is to have the government state
11 that there was an investigation, no fault was
12 found, and issue that to an office like HNCO so
13 that those people that made this assumption that
14 I -- because I was under investigation did
15 something wrong, they don't find out, as Dan
16 Brown did not find out, what the -- what the
17 conclusion of an investigation is. They just
18 hear there's an investigation, so, therefore,
19 they assume there's fault. I think it's probably
20 good practice by the U.S. government that if
21 other people are aware of this, they are later
22 told, yes, there was an investigation. However,

1 don't know that.

2 Q Fair enough.

3 A Or accusation. I don't want to make
4 that accusation.

5 Q That's fair. Did Leidos end up getting
6 a contract out of these presentations?

7 A No.

8 Q Okay. Do you know why?

9 A It would be speculative. No.

10 Q Okay. It wouldn't have anything to do
11 with your position at Leidos, though, correct?

12 A No. What Dan Brown testified to --

13 Q I just want to know what you know,
14 though, right now.

15 A I don't know.

16 Q Okay. Outside of these two
17 presentations, were there any other presentations
18 at HNCO that you did not attend that you wanted
19 to attend?

20 A I don't recall. There were several
21 communications, and there were several kind of
22 sprint exercises to put together, like, a bid

1 based on Dan Brown's requirements, but I don't
2 recall.

3 Q Okay.

4 A At this point, basically everything had
5 to be handled by Todd Jaspers. I was -- I was
6 asked to not participate. And my leadership
7 was -- was fine with that. I informed them that
8 there was an ongoing litigation.

9 And they said that this actually does
10 happen. It's not -- it's are not unusual to have
11 a situation where, in their case, like a Leidos
12 employee could not present in front of a
13 government employee for fear of, you know,
14 reputational harm to Leidos.

15 So they said, you know, no problem,
16 it's not going to look poorly on me as an
17 individual or leader at Leidos. As long as Todd
18 Jaspers was equipped to do the presentation on my
19 behalf, they didn't see any issue with it.

20 Q And do you believe Todd Jaspers was
21 equipped to do the presentations?

22 A Mostly, yes. Todd does not have the

1 background that I have, so he -- as I said
2 before, he is a -- he's a very good engineer. He
3 is excellent when it comes to cyber operations,
4 and he has very good intuition. His depth of
5 knowledge in AI is not as strong as mine is, but
6 I believe that he did a good job representing the
7 research.

8 Q Part of your second amended complaint
9 says that you're not allowed to enter HNCO
10 spaces. Is that accurate?

11 A Yes, ma'am.

12 Q What -- what need do you have to enter
13 HNCO spaces?

14 A I currently have no need.

15 MS. SEEMAN: Okay. Let's mark this as
16 12. A copy to counsel. I don't know why this
17 doesn't have the Bates numbers, either, but it's
18 from your production.

19 (Deposition Exhibit Number 12 was
20 marked for identification.)

21 BY MS. SEEMAN

22 Q So what is Exhibit 12, Dr. [REDACTED]

1 Q Are you aware of whether Leidos lost
2 out on any contracts because of your situation at
3 HNCO?

4 A I am not aware.

5 Q Great. All right. Next -- you can put
6 that to the side.

7 MS. SEEMAN: Do you guys want to take a
8 little break?

9 MR. HENRY: I guess not. What -- what
10 is our time on the record?

11 THE REPORTER: Five-and-a-half hours.

12 THE WITNESS: Really?

13 MS. SEEMAN: Time stops moving in
14 these.

15 BY MS. SEEMAN

16 Q All right. Let's -- all right.

17 So, when you're in 2020, other than
18 being fired from the GITI consulting contract,
19 were there any contract opportunities that you
20 lost out on?

21 A I didn't apply for any other contracts.

22 Q Okay. Is that because you were at

1 Leidos then?

2 A Correct.

3 Q How about in 2021?

4 A Same answer.

5 Q So you did not bid on any contracts in
6 2021 because of your employment at Leidos?

7 A Yes, ma'am.

8 Q Okay. 2022, I have to ask the same
9 question.

10 A Same answer.

11 Q What -- you did not bid on any
12 contracts in 2022 because of your employment at
13 Leidos, correct?

14 A Yes, ma'am.

15 Q How about in 2023? Did you -- you did
16 not bid on any contracts in 2023 because of your
17 employment at Leidos?

18 A Yes, ma'am.

19 Q And, 2024, you did not bid on any
20 contracts because of your employment at Leidos?

21 A Yes, ma'am.

22 Q And then 2025 through when you left

1 Leidos, you did not bid on any contracts because
2 of your employment at Leidos?

3 A Yes, ma'am.

4 Q And from when you started at ODNI to
5 date, you have not bid on any contracts because
6 of your employment at ODNI, correct?

7 A Yes, ma'am.

8 Q Okay. Earlier we talked about StarNav
9 and your work for them while you were working at
10 Leidos.

11 Were there any consulting opportunities
12 you did not pursue from 2021 to 2025 during your
13 employment at Leidos?

14 A No.

15 Q Okay. You've never bid on any
16 contracts as a prime contractor, correct?

17 A Me as [REDACTED] or me as Leidos?

18 Q Let's start with you as [REDACTED]

19 A No, ma'am.

20 Q Okay. And you as Leidos?

21 A I assisted in several contracts that
22 were prime contracts at Leidos.

1 Q And did Leidos receive any of those
2 contracts that they bid on?

3 A Yes, ma'am.

4 Q Okay. Were any of those contracts with
5 Department of Defense agencies?

6 A Yes, ma'am.

7 Q Okay. Which ones? Just which
8 agencies, not which contracts.

9 A I don't remember.

10 Q Okay.

11 A We had several.

12 Q Were any of those contracts in the
13 cyber AI space?

14 A Yes.

15 Q Are you able to say with which
16 agencies?

17 A There was one with DARPA. I helped
18 write proposals, though my name was not on
19 them -- same thing with DARPA -- with IARPA.

20 (Reporter clarification.)

21 THE WITNESS: IARPA, I-A-R-P-A. Army
22 Futures Command. There were several. I can't

1 remember them all. I'm sorry.

2 BY MS. SEEMAN

3 Q That's fine. If -- if I wanted to go
4 look and find those contracts, do you know where
5 I would look for that?

6 A Yes. You could look at
7 USASPENDING.gov.

8 Q Okay. Did -- you know, you mentioned
9 like your name being on or off of things.

10 For these contracts with other
11 agencies, was your name on or off of bids?

12 A Only one some of them.

13 Q Okay. Which agencies was your name
14 left off of?

15 A My name was not on a contract or a bid
16 at NSA and another one at DARPA. However, there
17 were other -- other proposals in a different
18 office at DARPA where my name was on the
19 proposal.

20 Q And did -- DARPA did, in fact, award
21 some of those contracts to Leidos, correct?

22 A Yes, ma'am.

1 Q Okay. Including ones that had your
2 name on it?

3 A Yes, ma'am.

4 Q Okay. How about NSA? Did they award
5 any contracts to Leidos?

6 A Yes, but my name was not on it.

7 Q Okay. As [REDACTED] would you in
8 your individual capacity qualify to be a prime
9 contractor on a cyber AI contract?

10 A Would I qualify?

11 Q Yes. I can rephrase if you would like.

12 A Sure.

13 Q What qualifications, if any, are you
14 aware of that are required for prime contractors
15 in the cyber AI field?

16 MR. HENRY: Objection to form.

17 THE WITNESS: I don't know that there
18 are specific qualifications. There's certain
19 requirements of a prime contractor. If you're
20 doing classified work, you have to have a
21 security person. If you're doing work that's
22 fairly technical, they expect you to have a

1 technical person. There might be things like
2 reporting requirements that might require another
3 person.

4 However, there's nothing that prevents
5 all three of those people to be the same person,
6 and, in fact, with a small company, this is often
7 the case. The person that writes the contracts
8 or does all the contracting work is not, you
9 know, one of 20 people. It's the same person who
10 is also doing the technical work. It's the same
11 person's who's overseeing the security for the
12 program, et cetera. I know people who do this.

13 Q As -- if you, [REDACTED] were to be
14 a prime contractor on a program in a SAP
15 environment, would you be able to do that?

16 A Yes, ma'am.

17 Q Okay. How would your -- let's start
18 with the security clearance, because earlier we
19 talked about how somebody has to sponsor, host.

20 How would that work if it's just you,
21 [REDACTED]

22 A If it's just me, [REDACTED] I have

1 MS. SEEMAN: Let's go off the record.

2 (Recess 5:47 p.m. to 5:55 p.m.)

3 BY MS. SEEMAN

4 Q So, Dr. [REDACTED] in your second amended
5 complaint, there's an allegation that says you
6 are barred from all interaction within the United
7 States Government on offensive cyber work
8 regardless of the agency.

9 Is that statement accurate?

10 A At the time, yes, that was accurate.

11 Q And when you say at the time, do you
12 mean at the time of the filing of the second
13 amended complaint?

14 A At the time of the filing of the second
15 amended complaint.

16 Q Okay.

17 A Yes, ma'am. This is not it. I have
18 it.

19 Q Okay. What's the date of the filing at
20 the top?

21 A At the top?

22 Q Yeah.

1 A 3/18/24.

2 Q Was that statement accurate at the time
3 of your initial complaint filing?

4 A Initial complaint, yes.

5 Q Okay. This statement is no longer
6 accurate, though, correct?

7 A I don't know. I haven't tried.

8 Q You haven't tried to work on -- within
9 the United States Government on offensive cyber
10 work?

11 A Not as [REDACTED] no.

12 Q As Leidos, though, have you been able
13 to through Leidos?

14 A Through Leidos, not as [REDACTED]
15 yes.

16 Q Okay. All right. Moving on to --
17 well, I guess back sort of towards your position
18 in the cyber AI field, is it fair to say you're
19 still a key player in the cyber AI field?

20 A I would -- I wouldn't say a key player.
21 I would say I'm probably one of the luminaries in
22 this field. A key player to me implies that I am

1 applying for contracts and winning contracts and
2 demonstrating success in the field; whereas, a
3 luminary is somebody who would be developing new
4 ideas, performing research and development on
5 those ideas and demonstrating maybe within a
6 company, and then, on behalf of the company,
7 those capabilities are presented to a customer
8 for that company to then gain traction.

9 Q Is -- okay. Let me ask it this way:
10 During your time at Leidos, was Leidos -- did
11 they establish themselves as a key player --

12 A They did.

13 Q -- in the cyber AI field?

14 A They did. I maintained my position as
15 a researcher by publishing papers and patents, so
16 among the scientific community, I maintain my
17 position as what I called a luminary.

18 Q And you -- since leaving your
19 consulting role, you were still able to work in
20 the cyber AI field, correct?

21 A Define work in the cyber AI field.

22 Q At Leidos, you were doing cyber AI work

1 at least as part of your job, correct?

2 A That was part of my duties at Leidos,
3 yes.

4 Q Okay. So you were still able to work
5 in cyber AI?

6 A Under the umbrella of Leidos without my
7 name attached to it, yes.

8 Q Okay. You mentioned you were
9 publishing papers and those sorts of things,
10 correct?

11 A Yes, ma'am.

12 Q Did those have your name on it?

13 A Yes, ma'am.

14 Q Were those in the cyber AI field?

15 A They were in the cyber AI field within
16 the scientific community, not within the U.S.
17 government.

18 Q Okay. That was as [REDACTED] -- [REDACTED]
19 [REDACTED]

20 A Yes, ma'am.

21 Q Okay. Not as a Leidos employee?

22 A It was also as a Leidos employee. You

1 will see the documents that it does say some sort
2 of Leidos e-mail address.

3 Q Okay. Outside of potential
4 contracts -- actually, yeah. Outside of
5 potential contracts, what if any interference
6 have you experienced with your ability to work in
7 the cyber AI field?

8 A Since 2020, I've not been able to
9 regain a foothold into the dominant players in
10 offensive and defensive cyber, namely, Air Force
11 Cyber. Of the -- the players in this field, they
12 are the most forward leaning in the field, and I
13 have not been able to kind of regain a foothold
14 as Dr. [REDACTED] in -- in that arena.

15 Q And when you say Air Force Cyber, is it
16 all of Air Force Cyber, or is it just
17 specifically HNCO?

18 A In this case, specifically HNCO,
19 because they're the ones who do the acquisitions.
20 Air Force Cyber is rather large, and they do a
21 lot of different things.

22 Q Which is why I asked.

1 Have you -- do you believe you've been
2 deprived of your ability to work in the cyber AI
3 field generally?

4 A As a consultant, yes. As a researcher,
5 no. So my ability to make a salary and some sort
6 of wage to provide for my family, yes,
7 absolutely.

8 Q But to be clear, you were still making
9 a salary at Leidos?

10 A Yes, but my -- my duties at Leidos were
11 varied. Again, going back to earlier testimony,
12 when I first came to Leidos, I was working as a
13 chief AI solutions architect, which was doing AI
14 and ML for imagery, medical records, things like
15 this, not cyber.

16 Q And then it turned into including
17 cyber, correct?

18 A Later on, it did include cyber, again,
19 but that was under the umbrella of Leidos, and I
20 was not able to represent that work back to the
21 U.S. government.

22 Q But you were to some agencies able to

1 represent yourself, correct, or to represent
2 yourself as associated?

3 A I was able to represent Leidos, not
4 myself. There was a huge difference.

5 Q Yeah, I'm just trying to understand
6 that, because earlier we were talking about, you
7 know, contract proposals that had your name on
8 them versus didn't have your name on them, and
9 you said a few for part of -- a specific DARPA
10 office and then NSA.

11 A Uh-huh.

12 Q Were -- were those the only contracts
13 that were cyber AI?

14 A Good question. The ones that had my
15 name on them were not cyber AI.

16 Q Okay. Did they still deal with AI? I
17 hate to make assumptions.

18 A Some dealt with AI. Some dealt with
19 cyber.

20 Q Okay.

21 A Some were just purely mathematics.

22 Q Other than being excluded from the two

1 presentations at HNCO, did you have any other
2 exclusions at HNCO?

3 A I'm sorry. Say that again.

4 Q Yeah. That's a bad question.

5 Other than the presentations at HNCO,
6 were you deprived of any other opportunities at
7 HNCO?

8 A Those are the only opportunities that
9 were presented.

10 Q Okay. And no contracts came of that,
11 correct?

12 A No, ma'am.

13 Q Okay. You've sort of alluded to this
14 throughout today, but what are you hoping to get
15 out of this lawsuit?

16 A At a minimum, I'd like to clear my
17 name. I've said a couple of times, damage to
18 reputation comes in two forms, and we talked
19 about those two forms.

20 I've also mentioned that when an
21 investigation is mentioned and that someone is
22 being investigated, the people that hear that

1 Q Okay.

2 A -- on what those emotional damages
3 were.

4 Q Okay.

5 A Those begin on page 27, item --
6 paragraph 156.

7 Q And I want to ask you just about one of
8 these questions. So it says -- 156(f), it says,
9 "constant fear during the criminal investigation
10 that he would be indicted as an insider threat or
11 somehow violating espionage statutes."

12 A Yes, ma'am.

13 Q Did -- at any point, did you believe
14 that you had violated any espionage statutes?

15 A Yes. The OSI agent attempted to
16 convince me that I had violated some sort of
17 statutes like this and that my indictment was
18 imminent, which was terrifying.

19 Q Did Agent Beall call you an insider
20 threat at any point during your meeting with him?

21 A He said I was being accused of an -- as
22 an insider threat.

1 Q Accused. Okay. And he didn't name who
2 was accusing you?

3 A He would not answer.

4 Q Okay.

5 A So for more than a year, until I got a
6 phone call from Dan Brown saying that the
7 investigation was over, I spent a year under the
8 belief that I was imminently going to be indicted
9 for some false claim, which is why I then felt I
10 needed to file a lawsuit to clear my name,
11 because I knew that I had done nothing wrong.

12 Q Okay. For --

13 A I take allegations like this very
14 seriously given the type of work that I do for
15 this country.

16 Q And, also, they're serious allegations,
17 so I get it.

18 A Not only are they serious allegations.
19 The type of work that I do is -- it carries with
20 it grave damage for this country.

21 Q In section (e), just a quick question.
22 It talks about regular sleepless nights pondering

CERTIFICATE OF NOTARY PUBLIC

I, ERICK M. THACKER, the officer before whom the foregoing deposition was taken, do hereby certify that the witness whose testimony appears in the foregoing deposition was duly sworn by me; that the testimony of said witness was taken by me in stenotype and thereafter reduced to typewriting under my direction; that said deposition is a true record of the testimony given by said witness; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this deposition was taken; and, further, that I am not a relative or employee of any counsel or attorney employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.



ERICK M. THACKER

Notary Public in and for the
District of Columbia

My commission expires:

June 30, 2029